IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.743 OF 2005
IN
SUMMARY SUIT NO.1524 OF 2004

Laxmi Organic Industries Ltd. Plaintiff

versus

M/s.Alka Sales Corporation Defendant

Ms.Laxmi Swaminathan for applicant.

Mr.Ganesh i/by Ganesh & Co. for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th June 2006

PC :

1. In a summary suit which is filed against the defendants the Writ of Summons was served but they could not file their Vakalatnama within the time stipulated in law. There is a delay of 180 days in filing the Vakalatnama and defendant no.2 has filed an affidavit pointing out that he was seriously ill and was admitted to the hospital. The son - defendant no.3 was looking after him and in the absence of both, instructions could not be given to file Vakalatnama.

2. In my view, after perusing this affidavit and the reply thereto, it is desirable and in the interest of justice that delay in filing Vakalatnama is condoned. Moreso, when the defendants have already paid the costs quantified at Rs.1,500/- to be paid to the Maharashtra Legal Services Authority. Chamber Summons is allowed accordingly. Vakalatnama be taken on record.

(S.C.DHARMADHIKARI, J.)